

call of the Senate was ordered. Roll call developed the following:

## PRESENT—20.

Clark,	Kimbrough,
Clemens,	McKinney,
Crane,	Mott,
Cranford,	Potter,
Finch,	Page,
Frank,	Pope,
Garwood,	Seale,
Ingram,	Searcy,
Johnson,	Stephens,
Kearby,	Sims.

## ABSENT—11.

Atlee,	O'Neal,
Burney,	Simkins,
Carter,	Tyler,
Glasscock,	Townsend,
Harrison,	Weisiger.
Lubbock,	

A second roll call developed the following senators:

## PRESENT—28:

Burney,	Kearby,
Clark,	Kimbrough,
Clemens,	Lubbock,
Crane,	McKinney,
Carter,	Mott,
Cranford,	Potter,
Finch,	Page,
Frank,	Pope,
Garwood,	Seale,
Harrison,	Searcy.
Ingram,	Stephens,
Johnson,	Sims.

## ABSENT—4.

Glasscock,	Tyler.
O'Neal,	Townsend,
Simkins,	Weisiger.

Quorum present.

On motion of Senator Frank the call was suspended.

## SPECIAL ORDER FOR TONIGHT.

The report of the committee on the investigation of the cause of Jay Gould vs. The International railway receivership.

The question recurred to the motion of Senator Page to substitute the minority report for the majority report.

Senator Garwood spoke in favor of the minority report.

Senator Carter moved that further consideration of this cause be postponed to tomorrow night at 8 o'clock.

Adopted.

On motion of Senator Carter the Senate adjourned to tomorrow morning at 9:30 o'clock.

## TWENTIETH DAY.

SENATE CHAMBER,  
TWENTY-SECOND LEGISLATURE,  
Austin, Tuesday, April 5, 1892.

Senate met pursuant to adjournment.

Lieutenant Governor Pendleton in the chair.

Roll called.

Quorum present.

The following Senators answering to their names:

## PRESENT—22.

Clark,	McKinney,
Clemens,	Mott,
Crane,	O'Neal,
Cranford,	Potter,
Finch,	Page,
Frank,	Seale,
Garwood,	Searcy,
Ingram,	Sims,
Kearby,	Tyler,
Kimbrough,	Townsend,
Lubbock,	Weisiger.

Prayer by the chaplain, Dr. Smoot.

Pending reading of the Journal, on motion of Senator Finch further reading was dispensed with.

On motion of Senator Frank Senator Glasscock was excused for non-attendance on the Senate yesterday, today and tomorrow on account of sickness.

On motion of Senator Seale Senator Garwood was excused indefinitely on account of sickness in his family.

On motion of Senator Potter Senator Stephens was also excused indefinitely for like cause and also Committee Clerk Woods for the same cause.

Senator Kearby moved that the Senate excuse Senator Pope for non-attendance on the Senate on last Saturday, which was granted.

The following committee report was presented:

COMMITTEE ROOM. }  
Austin, April 4, 1892. }

Hon. George C. Pendleton, President  
of the Senate:

Sir—Your committee on Apportionment and Representation, to whom was referred

Substitute House Bill Nos. 6, 7, 9, 25 and 39, being a bill to be entitled "An act to apportion the State of Texas into representative districts and fix the number of representatives thereof and to repeal article 13, chapter 13 of the general laws of the State, approved May 3, 1882, and article 13 of title 4 of the revised civil statutes of the State,"

Have had the same under consideration and I am instructed to report the same back to the Senate with the recommendation that it do pass, with the accompanying amendment.

Cranford, Chairman.

An act to apportion the State of Texas into representative districts and fix the number of representatives thereof and to repeal article 13 chapter 13 of the general laws of the state, approved May 3, 1882, on article 13 title — of the revised civil statutes of the state.

Section 1. Be it enacted by the Legislature of the State of Texas: That the State of Texas is hereby apportioned into representative districts and the number of representatives in each district shall be as follows:

No. 1. The first district composed of the county of Bowie and shall elect one representative.

2. The second district composed of the county of Cass and shall elect one representative.

2. The third district composed of the counties of Marion, Cass and Bowie and shall elect one representative.

4. The fourth district, composed of the county of Red River, and shall elect one representative.

5. The fifth district, composed of the counties of Morris, Titus and Red River, and shall elect one representative.

6. The sixth district, composed of the county of Lamar, and shall elect two representatives.

7. The seventh district, composed of the county of Fannin, and shall elect two representatives.

8. The eighth district, composed of the county of Grayson, and shall elect three representatives.

9. The ninth district, composed of the county of Cook, and shall elect one representative.

10. The tenth district, composed of the county of Montague and shall elect one representative.

11. The eleventh district composed of the county of Wise and shall elect one representative.

12. The twelfth district composed of the county of Denton and shall elect one representative.

13. The thirteenth district composed of the counties of Denton, Wise and Cook and shall elect one representative.

14. The fourteenth district composed of the county of Collin and shall elect two representatives.

15. The fifteenth district composed of the county of Hunt and shall elect one representative.

16. The sixteenth district composed of the county of Kaufman and shall elect one representative.

17. The seventeenth district, composed of the counties of Hunt and Kaufman, and shall elect one representative.

18. The eighteenth district, composed of the county of Hopkins, and shall elect one representative.

19. The nineteenth district, composed of the counties of Hopkins, Franklin and Delta, and shall elect one representative.

20. The twentieth district, composed of the counties of Wood and Rains, and shall elect one representative.

21. The twenty-first district, composed of the county of Harrison, and shall elect one representative.

22. The twenty-second district, composed of the counties of Harrison and Gregg and shall elect one representative.

23. The twenty-third district, composed of the county of Smith, and shall elect one representative.

24. The twenty-fourth district, composed of the counties of Smith, Upshur and Camp, and shall elect one representative.

25. The twenty-fifth district composed of the counties of Upshur and Camp and shall elect one representative.

26. The twenty-sixth district composed of the county of Rusk and shall elect one representative.

27. The twenty-seventh district composed of the counties of Rusk and Pannola and shall elect one representative.

28. The twenty-eighth district com-

posed of the county of Cherokee and shall elect one representative.

29. The twenty-ninth district composed of the county of Anderson and shall elect one representative.

30. The thirtieth district composed of the county of Houston and shall elect one representative.

31. The thirty-first district composed of the counties of Houston, Anderson, Cherokee and Angelina and shall elect one representative.

32. The thirty-second district composed of the county of Nacogdoches and shall elect one representative.

33. The thirty-third district, composed of the counties of Shelby and Sabine, and shall elect one representative.

34. The thirty-fourth district, composed of the counties of San Augustine, Newton and Jasper, and shall elect one representative.

35. The thirty-fifth district, composed of the counties of San Jacinto and Polk, and shall elect one representative.

36. The thirty-sixth district, composed of the counties of Tyler, Hardin, Liberty, Jefferson, Orange and Chambers, and shall elect two representatives.

37. The thirty-seventh district, composed of the county of Harris, and shall elect two representatives.

38. The thirty-eighth district, composed of the counties of Montgomery, Walker and Trinity, and shall elect two representatives.

39. The thirty-ninth district, composed of the county of Galveston, and shall elect two representatives.

40. The fortieth district composed of the counties of Brazoria and Matagorda and shall elect one representative.

41. The forty-first district composed of the counties of Fort Bend and Walker and shall elect one representative.

42. The forty-second district composed of the county of Austin and shall elect one representative.

43. The forty-third district composed of the county of Colorado and shall elect one representative.

44. The forty-fourth district composed of the county of Lavaca and shall elect one representative.

45. The forty-fifth district composed of the county of Fayette and shall elect two representative,

46. The forty-sixth district composed of the counties of Wharton, Colorado, Lavaca and Gonzales and shall elect one representative.

47. The forty seventh district composed of the county of Washington and shall elect one representative.

48. The forty-eighth district composed of the counties of Washington, Burleson and Lee and shall elect one representative.

49. The forty-ninth district composed of the counties of Burleson and Lee and shall elect one representative.

50. The fiftieth district composed of the county of Travis and shall elect two representative.

51. The fifty-first district composed of the county of Caldwell and shall elect one representative.

52. The fifty-second district composed of the county of Bastrop and shall elect one representative.

53. The fifty-third district composed of the counties of Burnet and Lampasas and shall elect one representative.

54. The fifty-fourth district composed of the county of Grimes and shall elect one representative.

55. The fifty-fifth district, composed of the county of Brazos, and shall elect one representative.

56. The fifty-sixth district, composed of the counties of Leon and Madison, and shall elect one representative.

57. The fifty-seventh district, composed of the county of Freestone, and shall elect one representative.

58. The fifty-eighth district, composed of the county of Navarro, and shall elect one representative.

59. The fifty-ninth district, composed of the counties of Navarro and Henderson, and shall elect one representative.

60. The sixtieth district, composed of the county of Limestone, and shall elect one representative.

61. The sixty-first district, composed of the county of Falls, and shall elect one representative.

62. The sixty-second district composed of the county of Milam and shall elect one representative.

63. The sixty-third district composed of the county of Robertson and shall elect one representative.

64. The sixty-fourth district composed of the counties of Limestone, Robertson, Leon and Madison and shall elect one representative.

65. The sixty-fifth district composed of the county of Bell and shall elect two representative.

66. The sixty-sixth district composed of the county of McLennon and shall elect one representative.

67. The sixty seventh district com-

posed of the county of Coryell and shall elect one representative.

68. The sixty-eighth district composed of the county of Ellis and shall elect one representative.

69. The Sixty-ninth district composed of the county of Johnson, and shall elect one representative.

70. The Seventieth district composed of the counties of Ellis and Johnson, and shall elect one representative.

71. The Seventy-first district, composed of the county of Williamson, and shall elect one representative.

72. The Seventy-second district composed of the counties of Williamson, Milam and Falls, and shall elect one representative.

73. The Seventy-third district composed of the county of Dallas, and shall elect three representatives.

74. The Seventy-fourth district composed of the counties of Dallas and Rockwall, and shall elect one representative.

75. The seventy-fifth district composed of the county of Hill and shall elect one representative.

76. The seventy-sixth district composed of the counties of Bosque and Hamilton and shall elect one representative.

77. The seventy-seventh district composed of the counties of Hill, Bosque, Hamilton and Somervell and shall elect one representative.

78. The seventy-eighth district composed of the county of Tarrant and shall elect two representatives.

79. The seventy-ninth district composed of the county of Parker and shall elect one representative.

80. The eightieth district composed of the counties of Parker, Tarrant and Hood and shall elect one representative.

81. The eighty-first district composed of the counties of Palo Pinto and Eastland and shall elect one representative.

82. The eighty-second district composed of the counties of DeWitt and Goliad, and shall elect one representative.

83. The eighty-third district, composed of the counties of Bee, Calhoun, Jackson, Refugio and Victoria, and shall elect one representative.

84. The eighty-fourth district composed of the county of Gonzales, and shall elect one representative.

85. The eighty-fifth district composed of the counties of Cameron,

Zapata, Hidalgo, and Starr, and shall elect two representatives.

86. The eighty-sixth district, composed of the counties of Webb and Encinal, and shall elect one representative.

87. The eighty-seventh district, composed of the counties of Duvall, Nueces, San Patricio and Aransas, and shall elect one representative.

88. The eighty-eighth district, composed of the counties of Atascosa, Karnes, Wilson and Live Oak, and shall elect one representative.

89. The Eighty-ninth district composed of the county of Bexar, and shall elect two representatives.

90. The Ninetieth district composed of the counties of Bexar, Atascosa, Karnes, Wilson and Live Oak, and shall elect one representative.

91. The Ninety-first district composed of the counties of McMullen, LaSalle, Dimmit, Zavalla, Uvalde, Medina, Kendall and Frio, and shall elect one representative.

92. The ninety-second district, composed of the counties of Bandera, Kerr and Gillespie, and shall elect one representative.

93. The ninety-third district, composed of the counties of Blanco, Llano and Mason, and shall elect one representative.

94. The ninety-fourth district, composed of the counties of Concho, McCulloch, Coleman and San Saba, and shall elect one representative.

95. The ninety-fifth district, composed of the counties of Crockett, Sutton, Schleicher, Kemble, Menard, Runnels, Coke, Sterling, Tom Green, Irion and Edwards, and shall elect one representative.

96. The ninety-sixth district, composed of the counties of El Paso, Jeff Davis, Presidio, Brewster, Foley, Buchel, Pecos, Val Verde, Kinney and Maverick, and shall elect two representatives.

97. The ninety-seventh district, composed of the county of Gaudalupe, and shall elect one representative.

98. The ninety-eighth district, composed of the counties of Hays and Comal, and shall elect one representative.

99. The ninety-ninth district, composed of the county of Erath and shall elect one representative.

100. The one hundredth district, composed of the county of Van Zandt, and shall elect one representative.

101. The one hundredth and first district, composed of the county of Co-

manche, and shall elect one representative.

102. The one hundred and second district, composed of the counties of Dallam, Sherman, Hansford, Ochiltree, Lipscomb, Hemphill, Roberts, Hutchinson, Moore, Hartley, Oldham, Potter, Carson, Gray, Wheeler, Collingsworth, Donley, Armstrong, Randall, Deaf Smith, Parmer, Castro, Swisher, Briscoe, Hall, Childress, Bailey, Lamb, Hale, Floyd, Motley, Cottle, Hardeman, Foard, Dickens and King, and shall elect one representative.

103. The one hundred and third district, composed of the counties of Greer, Wilbarger and Wichita, and shall elect one representative.

No. 104. The one hundred and fourth district, composed of the counties of Knox, Baylor, Archer, Throckmorton, Young and Stephens, and shall elect one representative.

No. 105. The one hundred and fifth district, composed of the counties of Clay and Jack, and shall elect one representative.

No. 106. The one hundred and sixth, composed of the counties of Reeves, Loving, Winkler, Wood, Crane, Upton, Ector, Midland, Glasscock, Andrews, Martin, Howard, Mitchell, Nolan, Fisher, Scurry, Borden, Dawson, Gains, Yoakum, Terry, Lynn, Garza, Kent, Stonewall, Haskell, Crosby, Lubbock, Hockley and Cochran, and shall elect one representative.

107. The One Hundred and Seventh district composed of the counties of Jones, Shackelford, Calahan and Taylor, and shall elect one representative.

108. The One Hundred and Eighth district composed of the counties of Brown and Mills, and shall elect one representative.

Section 2. Be it further enacted,

That in the several districts composed of more than one county, the county judges of the following named counties shall receive the returns and issue the certificates of election to the representatives elected in their respective districts, to-wit:

In the third, Cass county.

Fifth district, Morris county.

Thirteenth district, Denton county.

Seventeenth district, Hunt county.

Nineteenth district, Hopkins county.

Twentieth district, Wood county.

Twenty-second district, Harrison county.

Twenty-fourth district, Smith county.

Twenty-fifth district, Upshur county.

Twenty-seventh district, Panola county.

Thirty-first district, Cherokee county.

Thirty-third district, Shelby county.

Thirty-fourth district, San Augustine county.

Thirty-fifth district, Polk county.

Thirty-sixth district, Jefferson county.

Thirty-eighth district, Montgomery county.

Fortieth district, Brazoria county.

Forty-first district, Waller county.

Forty-sixth district, Colorado county.

Forty-eighth district, Washington county.

Forty-ninth district, Burleson county.

Fifty-third district, Burnet county.

Fifty-sixth district, Leon county.

Fifty-ninth district, Henderson county.

Sixty-fourth district, Robertson county.

Seventieth district, Ellis county.

Seventy-second district, Williamson county.

Seventy-fourth district, Dallas county.

Seventy-sixth district, Hamilton county.

Seventy-seventh district, Bosque county.

Eightieth district, Parker county.

Eighty-first district, Eastland county.

Eighty-second district, DeWitt county.

Eighty-third district, Victoria county.

Eighty-fifth district, Cameron county.

Eighty-sixth district, Webb county.

Eighty-seventh district, Nueces county.

Eighty-eighth district, Wilson county.

Ninetieth district, Bexar county.

Ninety-first district, Uvalde county.

Ninety-second district, Kerr county.

Ninety-third district, Llano county.

Ninety-fourth district, McCulloch county.

Ninety-fifth district, Tom Green county.

Ninety sixth district, Val Verde county.

Ninety-eighth district, Hays county.

One hundred and second district, Donley county.

One hundred and third district, Wilbarger county.

One hundred and fourth district, Baylor county.

One hundred and fifth district, Jack county.

One hundred and sixth district Mitchell county.

One hundred and seventh district, Taylor county.

One hundred and eighth district, Brown county.

Section 3. In all districts composed of only one county, the county judge of such county shall receive the returns and issue the certificates of election to the representative elected as shown by the highest number of votes cast for any one person.

Section 4. That article 13, chapter 13, of the general laws of Texas, approved May 3, 1882, and that article 13 title 4, of the revised civil statutes be and the same are hereby repealed.

Section 5. The near approach of the close of the session and the large amount of business undisposed of, creates an imperative public necessity, justifying the suspension of the constitutional rule requiring bills to be read on three several days, and it is so suspended.

#### SENATE AMENDMENTS.

Strike out Nos. 3, 10, 13, 22, 24, 91, 92, 93, 94, 98 and 108, section 1, and insert the following, viz:

No. 3. The third district, composed of the counties of Bowie, Cass, Marion and Camp, and shall elect one representative.

10. The tenth district, composed of the counties of Wise and Montague, and shall elect one representative.

13. The thirteenth district, composed of the counties of Cooke, Denton and Montague, and shall elect one representative.

22. The twenty-second district, composed of the counties of Harrison, Gregg, Upshur and Smith, and shall elect one representative.

24. The twenty-fourth district, composed of the counties of Smith and Upshur, and shall elect one representative.

91. The Ninety-first district composed of the counties of McMullen, LaSalle, Dimmit, Zavala, Uvalde, Medina and Frio, and shall elect one representative.

92. The Ninety-second district composed of the counties of Bandera, Kerr

and Kendall, and shall elect one representative.

93. The Ninety-third district composed of the counties of Llano and Mason, and shall elect one representative.

94. The Ninety-fourth district composed of the counties of Concho, McCulloch, San Saba and Mills, and shall elect one representative.

98. The Ninety-eighth district composed of the counties of Blanco, Gillespie, Hays and Comal, and shall elect two representatives.

108. The One Hundred and Eighth district composed of the counties of Brown and Coleman, and shall elect one representative.

#### PENDING BUSINESS.

Senate Bill No. 29. Entitled, "An act to amend articles 3227, 3228, 3229, 3230, 3231, 3232, 3233, 3234, 3235, 3236, 3237, 3238, 3239, 3239a, 3239b, 3239c, title 63, of the revised civil statutes of the State of Texas."

Came up on second reading:

Question recurred upon the following amendment by Senator Sims:

"Amend by striking out section 1 the words 'or such,' in line 8, and the word 'subdivision' in line 9, and the words 'or subdivision of such county,' in line 12.

(Senator Page in the chair.)

Senator Kearby offered the following:

Substitute for amendment:

Amend by striking out all after the word 'provided' in line 13 down to and including the word 'so' in line 14, and adding in lieu thereof the following: "That no election shall be ordered by the commissioners court except when petitioned to do so."

Senator Townsend offered the following:

Add to the substitute as follows:

"As herein provided."

Accepted by Senator Kearby.

Which was substituted for Senator Sims' amendment by the following vote:

YEAS—16.

Atlee,	Lubbock,
Burney,	McKinney,
Clark,	Mott,
Crane,	O'Neal,
Cranford,	Page,
Finch,	Pope,

Kearby,  
Kimbrough,

Townsend,  
Weisiger.

# NAYS—8.

Clemens,  
Frank,  
Garwood,  
Ingram,

Seale,  
Searcy,  
Sims,  
Tyler.

The amendment, as amended, was adopted.

Senator Frank offered the following:  
Strike out the words "a county" in line 9, article 3227, and insert in lieu thereof the words "such precincts."

Adopted.

Senator Mott offered the following:  
Amend section 1, by adding after the word "city" in line 13 the words "provided that there be no subdivisions in incorporated cities or towns."

Adopted.

Senator Crane offered the following:  
Amend section 1, line 16, by inserting after the word "or" the words "thirty voters in any;" also by inserting after the word "county" in line 16 the words "less than a justice's precinct."

Adopted by the following vote:

# YEAS—17.

Atlee,  
Clark,  
Crane,  
Cranford,  
Finch,  
Frank,  
Harrison,  
Ingram,  
Kearby,

Kimbrough,  
Lubbock,  
McKinney,  
Mott,  
O'Neal,  
Potter,  
Pope,  
Weisiger.

# NAYS—6.

Clemens,  
Seale,  
Searcy,

Sims,  
Tyler,  
Townsend.

Senator Page stated that he was paired with Senator Garwood, the latter would vote "aye" if present, the former "no."

Senator Seale offered the following:  
Amend by striking out the word "may" in line 7, article 3227, and insert "shall as hereinafter provided."

Adopted.

Senator Sims offered the following:  
Amend by striking out the words "by said county" in lines 16 and 17, and insert the words "by the petition."

Lost by the following vote:

# YEAS—9.

Atlee,  
Burney,  
Clemens,  
Ingram,  
Kimbrough,

Mott,  
Searcy,  
Sims,  
Tyler,

# NAY—13.

Clark,  
Crane,  
Cranford,  
Finch,  
Frank,  
Harrison,  
Kearby,

Lubbock,  
McKinney,  
O'Neal,  
Potter,  
Seale,  
Weisiger.

# PAIRED.

Senator Page present, would vote no; Senator Garwood, absent, "aye."

Senator Searcy offered the following: Amend section 1 by adding thereto that the commissioners court shall not without a petition signed by the required number of voters, either lay off any subdivision or order such election.

Senator Kearby made point of order that the same subject matter had been previously considered and the amendment was consequently out of order.

Amendment withdrawn and the following offered: Amend section one by adding thereto that the commissioners court shall not lay out any subdivision of a county or justice precinct until they have been petitioned to do so by the required number of voters.

Senator Kearby renewed his point of order that the same in substance had been voted upon before,

Chair decided point of order not well taken.

Amendment lost by following vote.

# YEAS—12.

Clark,  
Crane,  
Cranford,  
Finch,  
Frank,  
Ingram,

Johnson,  
Kearby,  
Kimbrough,  
Lubbock,  
McKinney,  
O'Neal.

# NAYS—12.

Atlee,  
Burney,  
Clemens,  
Carter,  
Harrison,  
Mott,

Seale,  
Searcy,  
Sims,  
Tyler,  
Townsend,  
Weisiger.]



## PAIRED.

Senator Page, present, would vote "no," Senator Garwood, absent, "aye."

Senator Tyler offered the following: Amend section 1 by adding thereto the following:

"Provided, that in those counties having school districts all elections for subdivisions less than a justice's precinct shall be co-extensive with the respective school district or districts and conform to the boundaries thereof."

Lost by the following vote:

## YEAS—9.

Atlee,	Searcy,
Clemens,	Sims,
Carter,	Tyler,
Lubbock,	Townsend.
Seale,	

## NAYS—16.

Burney,	Johnson,
Clark,	Kearby,
Crane,	Kimbrough,
Cranford,	McKinney
Finch,	Mott,
Frank,	O'Neal,
Harrison,	Potter,
Ingram,	Weisiger.

Paired—Senator Page would vote "no," Senator Garwood (absent) "aye."

Senator Searcy offered the following:

Amend section 2, by adding in line 10 of the word "honor," and swear to the same before some officer authorized to administer oaths.

Lost.

Senator Tyler offered the following:

Amend section 2, article 3228, by striking out the words "in ink."

Lost.

Senator Sims offered the following: Amend article 3228, page 2, by striking out all after the word "physician," line 11, down to the word "that," in line 12.

Lost.

Senator Seale offered the following: Amend article 3229 by striking out the words "of their own motion or."

Adopted.

Senator Sims offered the following: Amend by striking out of article

3229 after the word "election," line 32, page 2.

Lost.

Senator Tyler offered the following: Amend article 3230, by inserting after the word "limits" the following: "And shall also publish a copy of the order in some newspaper in the county or precinct if there be one published therein."

Adopted.

Senator Searcy offered the following: Amend section 3, by striking out in line 7 the words "the general election laws," and add in lieu thereof "the Australian ballot system."

Lost.

Senator Johnson offered the following: Amend article 3236. Strike out, all of article 3236 down to and including the word "therein" in line 16 and insert: "When an election has been held in any subdivision of a county under the preceding articles on election shall be held in any subdivision embracing any of said territory, within two years thereafter." Adopted.

Senator Kearby offered the following: Amend by adding section 2 to the bill as follows: Section 2—that all laws and parts of laws in conflict herewith be and the same are hereby repealed. Withdrawn.

Senator Kearby offered the following:

Amend by adding section 3 to the bill as follows:

Section 3. Whereas there is now no law putting in force the amendment to the constitution providing for an election for local option in subdivisions of counties, and whereas the limited time for this session of the Legislature to remain in session, and the amount of work now before the Senate, creates an imperative public necessity and an emergency exists requiring the suspension of the constitutional rule requiring bills to be read on three several days in each House, therefore said constitutional rule is hereby suspended, and this act shall take effect and be in force from and after its passage, and it is so enacted,

Adopted.

Senator Seale offered the following: Amend article 3236 by striking out all after the word "state" in line 17 down to and including the word "purpose" in lines 21 and 22.

Adopted.

(Lient. Governor in the chair)

Senator Lubbock moved the previ-



ous question on the engrossment of the bill which was seconded.

Question being shall the main question be now ordered it was lost by the following vote:

YEAS—8.

Burney,	Mott,
Carter,	Potter,
Harrison,	Searcy,
Lubbock,	Townsend.

NAYS—18.

Atlee,	Kearby,
Clark,	Kimbrough,
Clemens,	McKinney,
Crane,	O'Neal,
Cranford,	Pope,
Finch,	Seale,
Frank,	Sims,
Ingram,	Tyler,
Johnson,	Weisiger.

Senator Kearby offered the following: Amend 3236 line 24 by adding the following after the word precinct: "thirty voters of such." Adopted.

Senator Sims offered the following: Amend by striking out of article 3239 (a) page 6 all after the word "any" in line 2 down to the word "may" in line 4, and insert the words "person interested." Lost.

Senator Seale offered the following: Amend article 3236 by striking out "provided it shall be the duty of said court to order the election aforesaid," in lines 22 and 23 and insert the word "shall" before the word "whenever" in line 23. Adopted.

Senator Kearby offered the following: Amend the caption of the bill so the same shall read as follows:

A bill to be entitled "An act to amend articles 3227, 3228, 3229, 3230, 3231, 3233, 3234, 3235, 3236, 3237, 3238, 3239, title 63 of the revised civil statutes, as amended by act of April 1, 1887 (Twentieth Legislature), page 96, and articles 3239a, as amended by act of April 1, 1887 (Twentieth Legislature), page 96, and article 3239b, as amended by amendment April 14, 1888 (Eighteenth Legislature), page 110 and article 3239c, as amended by act of March 20, 1879 (Sixteenth Legislature), page 41, and April 17, 1877, page 99."

Adopted.

Senator Kearby offered the following:

Amend by adding after the figures

3239, in section 1, the following: "Title 63."

Adopted.

Senator Townsend offered the following: Amend by striking out article 3239c of the bill.

Senator Burney moved the previous question on the amendment and the bill, which was ordered.

Senator Townsend withdrew his amendment.

Question being on the engrossment of the bill it was ordered engrossed by the following vote:

YEAS—20.

Burney,	Kimbrough,
Clark,	Lubbock,
Clemens,	McKinney,
Crane,	Mott,
Cranford,	O'Neal,
Finch,	Potter,
Frank,	Pope,
Ingram,	Seale,
Johnson,	Tyler,
Kearby,	Weisiger.

NAYS—5.

Atlee,	Sims,
Carter,	Townsend,
Searcy,	

PAIRED,

Senator Page present would vote aye, Senator Garwood absent would vote no.

Senator Kearby moved that the constitutional rule requiring bills to be read on three several days in each house be suspended and the bill be put on its third reading and final passage.

Lost by the following vote:

YEAS—17.

Atlee,	Johnson,
Burney,	Kearby,
Clark,	Kimbrough,
Clemens,	McKinney,
Crane,	O'Neal,
Carter,	Potter,
Cranford,	Pope,
Finch,	Sims,
Ingram,	Weisiger.

NAYS—6.

Lubbock,	Searcy,
Mott,	Tyler,
Seale,	Townsend.

On motion of Senator Pope the senate went into executive session.

# IN SENATE.

The chair announced that the request of Senator Pope to be excused from the committee to investigate the charges against Commissioner Hollingsworth had been granted, and that Senator Searcy was appointed in his place.

On motion of Senator Pope the senate adjourned to 3:30 this afternoon.

# AFTERNOON SESSION.

The Senate met pursuant to adjournment.

Lieutenant Governor Pendleton in the chair.

Roll called.

Quorum present.

The following Senators answered to their names:

# PRESENT—25.

Atlee,	Mott,
Burney,	O'Neal,
Clark,	Potter,
Clemens,	Page,
Crane,	Pope,
Carter,	Seale,
Cranford,	Searcy,
Finch,	Simkins,
Frank,	Sims,
Ingram,	Tyler,
Johnson,	Townsend,
Kimbrough,	Weisiger.
McKinney,	

Senator Pope moved to suspend the rule and take up House bill No. 20.

Adopted.

House Bill No. 20. "An act to amend article 2899 of the revised civil statutes of the State of Texas as amended by an act entitled 'An act to amend article 2899 of the revised civil statutes of the State of Texas in relation to the recovery of damages for injuries resulting in death, passed by the Twentieth Legislature and approved March 25th, 1897.'"

(On second reading.)

Bill read with favorable committee report.

Senator Potter offered the following:

Strike out all after the enacting clause and insert the Senate bill (No. 2) on the same subject.

Withdrawn.

Senator Kearby offered the following: Amend by adding after the word "receivers" in line 2, page 2, the following: "Or other person or persons in charge or control of."

Adopted.

The bill passed to third reading.

Senator Pope moved that the constitutional rule requiring bills to be read on three several days be suspended and the bill be put upon its third reading and final passage.

Adopted by the following vote:

# YEAS—24.

Atlee,	Mott,
Clark,	O'Neal,
Clemens,	Potter,
Crane,	Page,
Carter,	Pope,
Cranford,	Seale,
Finch,	Searcy,
Frank,	Simkins,
Ingram,	Sims,
Kearby,	Tyler,
Kimbrough,	Townsend,
McKinney,	Weisiger.

Senator Sims offered the following: Amend by striking out all of lines 9 and 10, page 2.

Lost.

The bill passed by the following vote:

# YEAS—23.

Atlee,	Mott,
Clark,	O'Neal,
Clemens,	Potter,
Crane,	Page,
Carter,	Pope,
Cranford,	Seale,
Finch,	Searcy,
Frank,	Simkins,
Ingram,	Tyler,
Kearby,	Townsend,
Kimbrough,	Weisiger.
McKinney,	

# NAYS—1.

Sims.

The following messages were received from the House:

House of Representatives, }  
 Twenty-Second Legislature, }  
 Austin, April 5, 1892. }  
 Hon. Geo. C. Pendleton, President of }  
 the Senate: }  
 Sir—I am directed by the House

to inform you of the passage of the following bills:

Substitute House bills Nos. 22, 23 and 31. "An act to limit and regulate the ownership by aliens of real estate in the state of Texas and to provide for the escheat of lands held contrary to law, and to repeal all laws in conflict with this act."

Respectfully,

GEO. W. FINGER,

Chief clerk of the House of Representatives.

House of Representatives }  
Twenty-Second Legislature, }  
Austin, Texas, April 5, 1892. }

Hon. Geo. C. Pendleton, President of the Senate:

Sir—I am directed by the House to inform you that the House has concurred in Senate amendment to House bill No. 20, in relation to receivers.

Respectfully,

GEO. W. FINGER,

Chief clerk of the House of Representatives.

COMMITTEE ROOM, }  
Austin, April 5, 1892. }

Hon. Geo. C. Pendleton, President of the Senate:

Sir—Your committee on Cities, Towns and Corporations, to whom was referred

Senate Bill No. 35, being "A bill to be entitled an act to restrict and regulate the issuance of bonds by municipal corporations,"

Have had the same under consideration and I am instructed to report the same back to the Senate with the recommendation that it do not pass.

Potter, Chairman.

Senator Frank moved to suspend pending business in order to take up House bill no 47.

Adopted by the following vote:

YEAS—15.

Carter,	Seals,
Cranford,	Searcy,
Finch,	Simkins,
Frank,	Sims,
Ingram,	Tyler,
Mott,	Townsend,
O'Neal,	Weisiger,
Potter,	

NAYS—7.

Atlee, Kimbrough

Clark,  
Clemens,  
Kearby,

McKinney,  
Page.

House bill No. 47 entitled an act to repeal section 17 of an act entitled "An Act to provide for the speedy and efficient enforcement of the liens of mechanics, contractors, sub-contractors, builders, labors, and material men and to repeal all existing laws and parts of laws in conflict with the provisions of this act, approved April 5, 1889.

(On second reading.)

Bill read with favorable committee report.

Bill passed to third reading.

Senator Frank moved that the constitutional rule requiring bills to be read on three several days be suspended, and that the bill be put upon its third reading and final passage.

Adopted by the following vote:

YEAS—23.

Atlee,	O'Neal,
Clark,	Potter,
Clemens,	Page,
Carter,	Pope,
Cranford,	Seale,
Finch,	Searcy,
Frank,	Simkins,
Ingram,	Sims,
Kearby,	Tyler,
Kimbrough,	Townsend,
McKinney,	Weisiger,
Mott,	

Bill read third time and passed.

Substitute House bill Nos. 22, 23 and 31 entitled an act to limit and regulate the ownership by aliens of real estate in the State of Texas and to provide for the escheat of lands held contrary to law and to repeal all laws and parts of laws in conflict with this act.

Read first time and referred to Judiciary committee No. 1.

Senator Pope called up the motion of Senator Kimbrough to reconsider the vote passing Senate bill No. 22, to engrossment and to lay that motion on the table.

The motion to table was adopted.

Senate bill No. 22 entitled, "An act in reference to holding elections, and repeal sections 1673, 1674, 1675, 1681, 1682, 1683, 1689, 1690, 1692, 1693, 1694, 1695, 1696, 1697, 1698, 1699, 1700, 1701, 1702 of the revised civil statutes of the

state of Texas, and chapter 112 of the acts of the Legislature, approved April 19, 1879; also, chapter 51, acts of the Eighteenth Legislature; also, chapter 31, of the laws of 1887, approved March 14, 1887, and to provide for the registration of all voters in all cities containing a population of ten thousand inhabitants or more; and to provide penalties for the violation of the same."

Taken up on third reading.

Bill read.

Senator Pope offered the following:

Amend section 44, by adding: Provided, that the provisions of this section shall not apply to election precincts in cities and towns of less than 1000 inhabitants, according to the last United States census, nor to rural election precincts; provided, that in the latter precincts if 15 per cent of the voters of same voting at the last preceding general election petition the county commissioners court to adopt the provisions of this section then the said commissioners shall by proper order make provisions for the holding of elections, in accordance with the requirements of this section.

Senator Kearby offered the following amendment to the amendment which was accepted by Senator Pope:

Amend the amendment by striking out fifteen and adding twenty-five per cent where the same occurs in the amendment.

The amendment was adopted.

Senator Tyler offered the following:

Amend bill by adding section 80 thereto, as follows:

The provisions of this act shall not apply to any special election that may be held prior to the general election of 1892, except in city elections in cities of over 10,000 inhabitants, where it shall apply at once.

Adopted.

The bill was passed.

Senator Pope moved to reconsider the vote upon the final passage of the bill, and to lay that motion upon the table.

The motion to table was adopted.

By consent Senator Harrison presented a petition from citizens of McLennan county against the passage of an alien land law.

Read first time and referred to Judiciary committee No. 1.

Also by consent Senator Page presented the following:

A bill to be entitled, "An act to organize and establish the second, ninth

and first Judicial districts of the State of Texas, to fix the times for holding the districts courts in the several counties of said district, to repeal all laws and parts of laws in conflict with this act, and to provide for the return of all writs and processes returnable to the district courts of said counties affected by this act that have been heretofore issued by said courts and that may hereafter be issued before this act shall take effect, and made returnable to said district courts as now fixed by this act, and make the same as valid and binding as if no change had been made in the terms of said courts.

Read first time and referred to committee on Judicial districts.

By consent Senator Simkins presented Joint Committee Substitute for Senate bill No. 32 and House bill No. 13. A bill to be entitled an act to amend articles 1377, 1380, 1386, 1387, 1389, 1391, 1394, 1396, 1400 and 1404 to repeal articles 1381, 1382 and 1383 of the revised civil statutes to add articles 1407a and 1416a and providing for the disposition of certain causes.

The bill reads as follows:

Joint committee substitute for Senate bill No. 32 and House bill No. 13.] A bill to be entitled 'An act to amend articles 1377, 1380, 1386, 1387, 1389, 1391, 1394, 1396, 1400 and 1404 of the revised civil statutes of Texas, and to repeal articles 1381, 1382, 1383 of the revised civil statutes of Texas, and to add articles 1407a, 1416a, and providing for the disposition of certain causes.'

Section 1. Be it enacted by the legislature of the state of Texas: That article 1377 of title 29, chapter 18, and articles 1380, 1386, 1387, 1389, 1391, 1394, 1400 and 1404 of title 29, chapter 19, of the revised civil statutes of Texas be so amended as hereafter to read as follows:

Article 1377. "After the trial of any cause, either party may make out a written statement of the facts given in evidence on the trial, and submit the same to the opposite party, or his attorney, for inspection; if the parties or their attorneys agree upon such statement of facts, they shall sign the same, and it shall then be submitted to the judge, who shall, if he find it correct, approve and sign it, and the same shall be filed with the clerk during the term." Where the evidence adduced upon the trial of the cause is sufficient to establish a fact or facts alleged by either party, the testimony of wit-

nesses and the deeds, wills, records, or other written instruments, admitted as evidence relating thereto shall not be stated or copied in detail into a statement of facts, but the facts thus established shall be stated as facts proved in the case; provided an instrument, such as a note or other contract, mortgage or deed of trust, that constitutes the cause of action on which the petition, or answer, or cross-bill, or intervention is founded, may be copied once in the statement of facts. When there is any reasonable doubt of the sufficiency of the evidence to constitute proof of any one fact under the preceding rule, there may then be inserted such of the testimony of the witnesses and written instruments, or parts thereof, as relate to such facts.

Article 1380. An appeal or writ of error may be taken to the court of civil appeals from every final judgment of the district court in civil cases and from every final judgment in the county court in civil cases where the judgment or amount in controversy exceeds one hundred dollars, exclusive of the interest and costs, and an appeal shall lie from an interlocutory order of the district court appointing a receiver or trustee in any cause, provided said appeal be taken within twenty days from the entry of said order; an appeal under such cases shall take precedence in the appellate court, but the proceedings in other respects in the court below shall not be stayed during the pendency of the appeal unless otherwise ordered by the appellate court.

Article 1386. The term appellate court includes the supreme court, or court of civil appeals, having jurisdiction of a cause on appeal or writ of error. The term "court below" includes the district or county court from which such appeal or writ of error is taken.

Article 1387. An appeal may, in cases where an appeal is allowed, be taken during the term of the court at which the final judgment in the cause is rendered by the appellants, giving notice of appeal in open court, which shall be noted on the docket and entered of record, and by his filing with the clerk an appeal bond, where bond is required by law or affidavit in lieu thereof, as hereinafter provided, within twenty days after the expiration of the term.

If the term of the court may by law continue longer than three weeks, the bond, or affidavit in lieu thereof,

shall be filed within twenty days after notice of appeal is given, if the defendant resides in the county, and within thirty days if he resides out of the county.

Article 1389. The writ of error may, in cases where the same is allowed, be sued out at any time within twelve months after the trial judgment is rendered, and not thereafter.

Article 1391. The petition shall state the names and residences of the parties adversely interested, shall describe the judgment with sufficient certainty to identify it, and shall state that he desire to remove the same to the court of civil appeals, for revision and correction, where the plaintiff in error desires the issuance of a supersedeas, he shall state the facts which entitles him thereto, and pay for the issuance thereof.

Article 1394. The style of such citation shall be "the State of Texas," and it shall be dated and tested by the clerk as other writs, and the date of its issuance shall be noted thereon. It shall be directed to the sheriff or any constable of the county where the defendant is alleged to reside or be, and shall command him forthwith to summon the defendant to appear and defend such writ before the court of civil appeals within forty days from the date of service of said citation, stating the place of holding the same, according to the provisions of the law regulating the return of appeals and writs of error from the county in which the judgment was rendered. It shall state the date of the filing of the petitions in error, the names of the parties according to such petition, and the description of the judgment as therein given. Such citation shall be made returnable within ten days from the issuance of the same if defendant resides in the county, and within twenty days if he resides out of the county.

Article 1396. The citation shall be returned as prescribed in article 1394, and where the same has not been served, the return shall show the diligence used by the officer to execute the same, and a failure to execute it, and where the defendant is to be found, so far as he has been able to ascertain.

Article 1400. The appellant or plaintiff in error, as the case may be, shall execute a bond, with two or more good and sufficient securities, to be approved by the clerk, payable to the appellee or defendant in error, in a sum at least double the probable

amount of the costs of the suit of the court of civil appeals, supreme court and the court below, to be fixed by the clerk, conditioned that such appellant or plaintiff in error shall prosecute his appeal or writ of error with effect, and shall pay all the costs which have accrued in the court below or which may accrue in the court of civil appeals and the supreme court.

Article 1404. Should the appellant or plaintiff in error, as the case may be, desire to suspend the execution of the judgment he may do so by giving, instead of the bond or affidavit in lieu thereof, mentioned in the four preceding articles, or in addition to such bond, a bond with two or more good and sufficient sureties, to be approved by the clerk, payable to the appellee or defendant in error, in a sum at least double the amount of the judgment, interests and costs, conditioned that such appellant or plaintiff in error shall prosecute his appeal or writ of error with effect, and in case the judgment of the supreme court or the court of civil appeals shall be against him, he shall perform its judgment, sentence or decree, and pay all such damages as said court may award against him.

Art. 1407a. The appellant or plaintiff in error shall in all cases file with the clerk of the court below his assignments of error distinctly specifying the ground on which he relies before he takes the transcript of the record from the clerk's office, and all errors not distinctly specified and waived; and in said assignment no error shall be assigned or considered that was not presented in the motion for a new trial where such motion was made.

Article 1416a. Not less than five days before the time of filing the transcript in the court of civil appeals, the appellant or plaintiff in error shall file with the clerk of the district court a copy of his brief, which shall be by the clerk deposited with the papers of the cause, with the date of the filing endorsed thereon, and the clerk shall forthwith give notice to the appellee or defendant in error, or his attorney of record, of the filing of such brief, and that in twenty days after such notice the appellee or defendant in error shall file a copy of his brief with the clerk of said court below, and with the clerk of the court of civil appeals seven copies:

Section 2. That articles 1381, 1382, 1383 of the revised civil statutes be

and the same are hereby repealed.

Sec. 3. That all appeals and writs of error taken and perfected from any district or county court to the supreme court or court of appeals before the taking effect of this act, shall be returnable to the courts of civil appeals under the provisions of this act, and shall be decided under the same rules as if they had been so perfected after this law shall take effect.

Sec. 4. That this act shall take effect and be in force from and after the first day of September, 1892.

#### COMMITTEE REPORT.

COMMITTEE ROOM, }  
in, April 4, 1892. }

To the Honorable Senate and House of Representatives:

The joint committee of the two Houses of the Legislature, to whom was referred

Senate bill No. 32 and House bill No. 13, beg leave to report the accompanying substitute for both of said bills, and recommend that it do pass,

Simkins,  
Pope,  
Carter,  
Burney,  
Harrison,  
For Senate.  
Brown,  
Terrell,  
McKinney,  
Browning,  
Gresham,  
For House.

Senator Atlee moved to suspend the rules and take up House bill No. 21.

Lost by the following vote:

#### YEAS—15.

Atlee,	Seale,
Burney,	Searcy,
Clark,	Simkins,
Carter,	Sims,
Finch,	Tyler,
Ingram,	Townsend,
Mott,	Weisiger,
Potter,	

#### NAYS—10.

Clemens,	Kimbrough,
Cranford,	Lubbock,
Frank,	McKinney,
Harrison,	O'Neal,
Kearby,	Page,

Senator Carter asked and obtained consent to send up a joint resolution asking the governor to submit to the called session the propriety of amending or repealing the wolf scalp law.

Read first time and referred to committee on State Affairs.

Senator Mott moved that the Senate adjourn to 8 o'clock tonight.

Adopted by the following vote:

#### YEAS—14.

Atlee,	Page,
Burney,	Seale,
Carter,	Simkins,
Ingram,	Sims,
Kimbrough,	Tyler,
Mott,	Townsend,
Potter,	Weisiger.

#### NAYS—9.

Clark,	Kearby.
Cranford,	Lubbock,
Finch,	McKinney,
Frank,	O'Neal.
Harrison,	

#### EVENING SESSION.

Senate met pursuant to adjournment.

Lieutenant Governor Pendleton in the chair.

Roll called.

Following senators answered to their names:

Atlee,	McKinney,
Burney,	Mott,
Clark,	O'Neal,
Crane,	Potter,
Carter,	Page,
Cranford,	Pope,
Finch,	Seale,
Frank,	Searcy,
Ingram,	Simkins,
Johnson,	Sims,
Kearby,	Tyler,
Kimbrough,	Weisiger.
Lubbock,	

#### SPECIAL ORDER FOR TONIGHT.

The report of the committee on the investigation of the cause of Jay Gould vs. the International railway receivership.

Question recurred to the motion of Senator Page to substitute the minority report for the majority.

Senator Crane spoke against the motion.

On motion of Senator Carter, the Senate adjourned until 9:30 o'clock a. m. tomorrow.

## TWENTY-FIRST DAY.

SENATE CHAMBER,  
TWENTY-SECOND LEGISLATURE,  
Austin, Wednesday, April 6, 1892.

Senate met pursuant to adjournment.

Lieutenant Governor Pendleton in the chair.

Roll called.

Quorum present.

The following Senators answering to their names:

#### PRESENT—27:

Atlee,	Kimbrough,
Burney,	Lubbock,
Clark,	McKinney,
Clemens,	Mott,
Crane,	O'Neal,
Carter,	Potter,
Cranford,	Page,
Finch,	Pope,
Frank,	Seale,
Harrison,	Searcy.
Ingram,	Sims.
Johnson,	Tyler,
Kearby,	Townsend,
	Weisiger.

Prayer by the chaplain, Dr. Smoot.  
Pending reading of the Journal, on motion of Senator Sims further reading was dispensed with.

#### PETITIONS AND MEMORIALS.

By Senator Mott:  
Memorial from citizens of Brazoria county, asking to be attached to Galveston county for representative purposes.

Read and referred to committee on Apportionment.

The following reports were presented from committees:

COMMITTEE ROOM,  
Austin, April 5, 1892.

Hon. George C. Pendleton, President of the Senate:

Sir—Your committee on Judicial Districts to whom was referred

Senate bill No. 36 being "A bill to